

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION

THEOTIS HILDEBRAND

PLAINTIFF

v.

Case No. 1:19-cv-1006

LT. PAUL KUGLER; SGT. J. COTTON;
CORPORAL HIGHTOWER; SGT. JOHNNY
WARD; CAPTAIN MITCHAM; RICKY ROBERTS;
NURSE RICE; MIKE LOFTIN; FRANK HASH;
LT. STEVEN GREEN; and CHARLIE PHILLIPS

DEFENDANTS

ORDER

This is a civil rights action brought pursuant to 42 U.S.C. § 1983. Plaintiff is an inmate currently incarcerated at the Union County Jail. The Court referred this case to the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas, for the purpose of conducting preservice screening pursuant to the Prison Litigation Reform Act, 28 U.S.C. § 1915A. Before the Court is Judge Bryant's Report and Recommendation on the matter. (ECF No. 7). Judge Bryant recommends that Plaintiff's claims brought pursuant to section 1983 for improper grievance procedures at the Union County Jail be dismissed without prejudice because inmates do not have a constitutionally protected right to a grievance procedure. *Buckley v. Barlow*, 997 F.2d 494, 495 (8th Cir. 1993).

Plaintiff has filed objections to the Report and Recommendation. However, Plaintiff admits that Judge Bryant's recommendation is both legally and factually correct. Plaintiff states that he is objecting to preserve this issue for appeal. Specifically, Plaintiff contends that it is unfair to require prisoners to exhaust their administrative remedies but deny them a conditionally protected grievance procedure and that this issue should be brought in front of an appellate court.

Because Plaintiff admits that Judge Bryant's finding was correct, the Court adopts the Report and Recommendation (ECF No. 7) *in toto*. Accordingly, Plaintiff's claims for improper grievance procedures at the Union County Jail are hereby **DISMISSED WITHOUT PREJUDICE**. Plaintiff's other claims remain for service and further consideration.

IT IS SO ORDERED, this 15th day of May, 2019.

/s/ Susan O. Hickey
Susan O. Hickey
Chief United States District Judge